

**UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF PENNSYLVANIA**

PATRICIA L. ABRAMS, *et al.*,

Plaintiffs,

v.

CHESAPEAKE ENERGY  
CORPORATION; *et al.*,

Defendants.

Case No. 4:16-cv-01343-MWB

(Judge Matthew W. Brann)

PAUL H. ARNOLD, *et al.*,

Plaintiffs,

v.

CHESAPEAKE ENERGY  
CORPORATION; *et al.*,

Defendants.

Case No. 4:16-cv-01345-MWB

(Judge Matthew W. Brann)

ROBERT C. ABRAMS, JR., *et al.*,

Plaintiffs,

v.

CHESAPEAKE ENERGY  
CORPORATION; *et al.*,

Defendants.

Case No. 4:16-cv-01346-MWB

(Judge Matthew W. Brann)

KYLIE E. AHERN a/k/a KYLIE E.  
PERRY, *et al.*,

Plaintiffs,

v.

CHESAPEAKE ENERGY  
CORPORATION; *et al.*,

Defendants.

Case No. 4:16-cv-01347-MWB

(Judge Matthew W. Brann)

## **JOINT STATUS REPORT**

Pursuant to the Court’s September 23, 2019 Orders in *Patricia L. Abrams v. Chesapeake Energy Corporation, et al.*, 4:16-cv-1343 (“*P. Abrams*”), ECF No. 109, *Paul H. Arnold, et al. v. Chesapeake Energy Corporation, et al.*, 4:16-cv-1345 (“*Arnold*”), ECF No. 107, *Robert C. Abrams, Jr., et al. v. Chesapeake Energy Corporation*, 4:16-cv-1346 (“*R. Abrams*”), ECF No. 101, *Kylie E. Ahern, et al. v. Chesapeake Energy Corporation*, 4:16-cv-1347 (“*Ahern*”), ECF No. 101, counsel for the parties in these actions, hereby provide this joint status report:

1. The claims in these actions are similar to and overlap with claims asserted in other putative class actions, joint actions, and/or individual actions pending in this jurisdiction. *See, e.g., Demchak Partners Limited Partnership v. Chesapeake Appalachia, L.L.C.*, No. 3:13-cv-02289-MEM (“*Demchak*”); *Brown v. Access Midstream Partners, L.P.*, No. 3:14-cv-00591-MEM (“*Brown*”); *The*

*Suessenbach Family Limited Partnership v. Access Midstream Partners, L.P.*, No. 3:14-cv-01197-MEM (“*Suessenbach*”); *A&B Campbell Family LLC v. Chesapeake Energy Corp.*, No. 3:15-cv-00340-MEM (“*Campbell*”); *Tyler v. Chesapeake Appalachia, L.L.C.*, No. 3:16-cv-00456-MEM (“*Tyler*”).

2. As explained in the parties’ prior Status Reports, counsel for Plaintiffs and for the Chesapeake Defendants appeared before the Honorable Malachy E. Mannion on December 20, 2017, to report on their progress towards a global settlement of the *Brown*, *Suessenbach*, *Campbell*, and *Tyler* actions, which would include the claims asserted by the Plaintiffs in *P. Abrams, Arnold, R. Abrams*, and *Ahern*, subject to the approval of those Plaintiffs. Thereafter, on February 21, 2018, the Chesapeake Defendants, the Anadarko Defendants, and representatives from the Pennsylvania Attorney General’s Office participated in a settlement conference before the Honorable Kenneth D. Brown in connection with the claims being asserted by the Office of Attorney General in *Commonwealth of Pennsylvania v. Chesapeake Energy Corp., et al.*, No 2015IR0069 (Pa. Ct. Com. Pl. Bradford Cty.) (the “AG Action”). Another conference before Judge Brown occurred on May 10, 2018. Judge Mannion deferred scheduling another status conference pending the results of Judge Brown’s settlement efforts in the AG Action.

3. On August 10, 2018, and September 18, 2018, follow-up telephonic settlement conferences were held before Judge Brown.

4. As a result of some of these settlement discussions, the parties in *Brown* and *Suessenbach* reached a settlement agreement (the “Settlement Agreement”). Accordingly, on August 9, 2018, plaintiffs in those actions filed a Motion for Preliminary Approval of Class Action Settlement, the terms of which reflect the parties’ Settlement Agreement.

5. Counsel for Plaintiffs in these actions have participated in the negotiations that resulted in the Settlement Agreement in *Brown* and *Suessenbach*. Although the Plaintiffs in these actions are expressly excluded from the Settlement Class as defined in the Settlement Agreement in *Brown* and *Suessenbach*, the Settlement Agreement expressly contemplates the attribution of a portion of the \$7,750,000 settlement amount to resolve the claims of certain Plaintiffs in the above-captioned actions (those with the kinds of leases covered by the Settlement Agreement) against the Chesapeake Defendants, and against other defendants in *Brown* and *Suessenbach*, including Access Midstream Partners, L.P. (now known as The Williams Companies, Inc.). Counsel for Plaintiffs and counsel for the Chesapeake Defendants are continuing discussions to resolve such claims asserted in these actions.

6. Meanwhile, on November 14, 2018, the Commonwealth Court of Pennsylvania, sitting *en banc*, held oral argument in the interlocutory appeal of the AG action on (1) whether a cause of action may be brought under Pennsylvania’s

Unfair Trade Practices and Consumer Protection Law (“UTPCPL”) for alleged wrongful conduct by lessees in oil and gas lease transactions; and (2) whether a cause of action may be brought under the UTPCPL for alleged antitrust violations.

7. On March 15, 2019, the Commonwealth Court of Pennsylvania issued its opinion in the AG Action, finding that a cause of action may be brought under the UTPCPL for alleged wrongful conduct by lessees in oil and gas lease transactions, but that alleged antitrust violations are not automatically actionable under the UTPCPL.

8. Subsequently, the defendants in the AG Action filed a petition for allocator in the Pennsylvania Supreme Court, requesting review of the March 15, 2019 opinion issued by the Commonwealth Court of Pennsylvania. On October 30, 2019, the Pennsylvania Supreme Court granted that petition.

9. The issues to be addressed by the Pennsylvania Supreme Court are as follows:

Are claims by the Commonwealth, brought on behalf of private landowners against natural gas extractors alleging that the extractors used deceptive, misleading, and unfair tactics in securing natural gas leases from landowners, cognizable under the Unfair Trade Practices and Consumer Protection Law?

May the Commonwealth pursue antitrust remedies under the Unfair Trade Practices and Consumer Protection Law?

10. On January 9, 2020, defendants filed their opening brief with the Pennsylvania Supreme Court. The Commonwealth filed its opening brief on March

3, 2020.

11. For all of the foregoing reasons, the parties respectfully request continuation of the stay entered in these matters.

Dated: March 4, 2020

By: /s/ Christopher D. Jones

Christopher D. Jones  
Griffin, Dawsey, Depaola & Jones,  
P.C.  
01 Main Street  
Towanda, PA 18848  
Tel: (570) 265-2175  
E-mail: chris@gddj-law.com

Taunya M. Rosenbloom  
Law Office of Taunya Knolles  
Rosenbloom  
P.O. Box 309  
332 South Main Street  
Athens, PA 18810  
Tel: (570) 888-0660  
E-mail: taunya@tkrlaw.com

Thomas S. McNamara  
Indik & McNamara, P.C.  
100 South Broad Street, Suite 2230  
Philadelphia, PA 19110  
Tel: (215) 567-7125  
E-mail: tmcnamara915@gmail.com

*Attorneys for Plaintiffs*

Respectfully Submitted,

By: /s/ John B. Dempsey

Daniel T. Brier  
John B. Dempsey  
Myers Brier & Kelly, LLP  
425 Spruce Street, Suite 200  
Scranton, PA 18503  
Tel: (570) 342-6100  
E-mail: dbrier@mbklaw.com  
jdempsey@mbklaw.com

Seamus C. Duffy (*pro hac vice*)  
Akin Gump Strauss Hauer &  
Feld LLP  
Two Commerce Square  
Suite 4100  
Philadelphia PA 19103  
Tel: (215) 965-1200  
E-mail: sduffy@akingump.com

Daniel T. Donovan (*pro hac vice*)  
Kirkland & Ellis LLP  
655 Fifteen Street, NW  
Washington, DC 20005  
Tel: (202) 879-5000  
E-mail: ddonovan@kirkland.com

*Attorneys for Defendants Chesapeake  
Energy Corporation, Chesapeake  
Appalachia, L.L.C., Chesapeake Energy*

By: /s/ John K. Gisleson

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John K. Gisleson  
Matthew H. Sepp  
Morgan, Lewis & Bockius LLP One  
Oxford Centre, 32nd Floor 301  
Grant Street  
Pittsburgh, PA 15219  
Tel: (412) 560-7432  
E-mail: john.gisleson@morganlewis.com  
matthew.sepp@morganlewis.com

*Attorneys for Defendant Mitsui  
E&P USA LLC*

By: /s/ Guy S. Lipe

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John A. Snyder  
McQuaide Blasko, Inc.  
811 University Drive  
State College, PA 16801  
Tel: (814) 238-4926  
E-mail: clglenn-hart@mqblaw.com  
svsims@mqblaw.com  
jsbumbarger@mqblaw.com  
jasnyder@mqblaw.com

Guy S. Lipe  
Vinson & Elkins LLP  
1001 Fannin Street  
Suite 2500  
Houston, TX 77002  
Tel.: 713-758-1109  
E-mail: glipe@velaw.com

*Attorneys for Defendants Anadarko  
Petroleum Corporation and Anadarko  
E&P Onshore, LLC*

*/s/ Michael J. Gibbens*

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Michael J. Gibbens (*pro hac vice*)  
Susan E. Huntsman (*pro hac vice*)  
Crowe & Dunlevy  
321 S. Boston Ave., Suite 500  
Tulsa, OK 74103  
Tel: (918) 592-9800  
E-mail:  
[mike.gibbens@crowedunlevy.com](mailto:mike.gibbens@crowedunlevy.com)  
[susan.huntsman@crowedunlevy.com](mailto:susan.huntsman@crowedunlevy.com)

John S. Summers  
Hangley Aronchick Segal Pudlin &  
Schiller  
One Logan Square, 27th Floor  
18th & Cherry Streets  
Philadelphia, PA 19103  
Tel: (215) 496-7007  
E-mail: [jsummers@hangley.com](mailto:jsummers@hangley.com)

*Attorneys for Defendants The Williams  
Companies, Inc., Access MLP  
Operating, L.L.C., n/k/a Williams MLP  
Operating, L.L.C., and Appalachia  
Midstream Services, L.L.C.*